



TOWN OF EASTHAM

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AGENDA EASTHAM BOARD OF HEALTH MEETING THURSDAY, OCTOBER 29, 2020 AT 3PM

Under the Executive Order suspending certain provisions of the Open Meeting Law, signed by Governor Baker on March 12, 2020, all members in any meeting of the public body may participate remotely.

Present: Dr. Joanna Buffington (Chair), Jane Crowley. Present remotely: Pat Lariviere, Adele Blong, Francie Williamson, Catherine Mondon

I. NOTIFICATION OF VIDEO/AUDIO RECORDING

II. OPENING STATEMENTS

Dr. Buffington invited the public to the November 17, 2020 Board of Health community discussion on the draft non-commercial farm animals regulations.

Mrs. Crowley provided an updated on the month's activities:

- Two rounds of monitoring have been received on the permeable reactive barrier that was installed by Salt Pond. The results have been good. The Town is working with the National Seashore on the upgrade of the wastewater treatment plant at the Salt Pond Visitors Center.
- A meeting with the Town of Orleans to agree on the inputs into shared watershed. Technical assistance in determining the each town's responsibility and moving forward with an agreement, if not shared watershed plan will be requested.
- Horsley Witten and APCC have been working on stormwater initiatives at Schoolhouse Ministers Pond. A discussion with the owners of Nauset Haven condominium of a potential green infrastructure occurred.
- There is an uptick in COVID-19 cases, including one at Eastham Elementary School. There has also been the need for contact tracing at the high school.
- Flu Clinics have been scheduled at both the elementary school and high school. The flu clinic will be used as an emergency management drill in anticipation of potential COVID-19 vaccination clinics.
- Thank you to all volunteers for the October 5, 2020 flu clinic.

III. PUBLIC HEARING ON RENTAL VIOLATIONS

1. ANDERSON FAMILY TRUST

190 WIDGEON DR

M17 P530

Patrick Kelleher, owner of 190 Widgeon Dr, and Lesley Moore of Del Mar Rentals were present to discuss the rental violation. Ms. Moore explained that Del Mar submitted the rental application as soon

as they received the letter noticing the violation. She further explained that Del Mar was unaware the certificate did not carry over to new owners.

Susan Barker, Assistant Health Agent, explained how occupancy for rentals is determined. The rental certificate was issued previously for 8 occupants as it is a four bedroom. A further discussion of occupancy occurred.

Dr. Buffington moved to fine \$300 for renting without a rental certificate.
Ms. Lariviere seconded the motion.

Approved by roll call vote 3-2 (Ms. Blong, Ms. Mondon dissented)

IV. CONTINUANCE

2. MONIZ

40 SMITH HEIGHTS

M18 P54

Michael Moniz of 40 Smith Heights was presented to address the Board's questions. A discussion on the prior test results occurred.

Ms. Lariviere moved to reduce testing to twice a year.
Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

3. GAGNON

490 STATE HWY

M21 P78

Jason Ellis of JC Ellis Design presented a plan to upgrade the septic system on the 37, 897 sq. ft. environmentally sensitive lot. The proposed system includes a 2500 gallon septic tank, existing 1000 gallon pump chamber, and a 22' x 11' 2' pressure dosed soil absorption system.

Ms. Blong moved to deny the variance but approve the plan with following conditions:

1. No increase in design flow be allowed.
2. Any increase in habitable square footage would require Board of Health review and abutter notification.
3. Secondary treatment and monitoring under general use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
4. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
5. Deed restriction for 4 Bedroom use and use of alternative technology requirement to be recorded on deed.
6. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
7. Existing well to be tested for routine and VOC parameters.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

4. BREAKWATER HOLDINGS

4615 & 4655 STATE HWY

Jason Ellis of JC Ellis Design requested to withdraw the cast.

Dr. Buffington moved to accept the withdrawal.

Ms. Lariviere seconded the motion.

Approved by roll call vote 5-0

V. VARIANCES

5. REILLY & WILLIAMS

35 CEDAR LANE

M21 P56

Jason Ellis of JC Ellis design presented a plan to upgrade the septic system on a 38,600 sq ft environmentally sensitive lot. The proposed plan includes the existing 1000 gallon septic tank, proposed 1000 gallon pump chamber, proposed H-20 distribution box, and a 33' x 12.83' x 2' soil absorption system. The following variance was requested:

1. Eastham BOH Regulations, Section I.E.3.a.iv – requirement of nitrogen reducing septic system on an environmentally sensitive lot.

Discussion of the need for I/A occurred.

Ms. Lariviere moved to deny the variance but approve the plan with following conditions:

1. Secondary treatment be added
2. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
3. Secondary treatment and monitoring under general use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
4. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
5. Deed restriction for 4 Bedroom use and use of alternative technology requirement to be recorded on deed.
6. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
7. Existing well to be tested for routine and VOC parameters.

Ms. Williamson seconded the motion.

Approved by roll call vote 5-0

Jason Ellis of JC Ellis design presented a plan to upgrade the septic system on the environmentally sensitive 7,560 sq. ft. lot. The upgraded septic system will consist of a 1500 gallon septic tank, Advantex AX20 treatment unit, pump station, and 25' x 9.5' x 2' soil absorption system. The following variances were approved:

1. 310 CMR 15.211 – 4' from proposed soil absorption system to lot line (road). (10' required, 6' provided, 4' variance requested)
2. 310 CMR 15.211 – 4' from proposed soil absorption system to lot line (Pcl. 333). (10' required, 6' provided, 4' variance requested)
3. 310 CMR 15.211 – 45' from proposed soil absorption system to existing well (Pcl. 363) (100' required, 55' provided, 45' variance requested)
4. 310 CMR 15.211 – 33' from proposed soil absorption system to existing well (Pcl 335 A) (100' required, 67' provided, 33' variance requested)
5. 310 CMR 15.248 – No reserve area provided.

Ms. Blong moved to approve with the following conditions:

1. No increase in design flow be allowed
2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Deed restriction for five bedrooms and use of Advantex AX20 Technology to be registered with the Barnstable County Registry of Deeds (received).
4. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
5. Any increase in habitable square footage would require Board of Health review and abutter notification.
6. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Data Base provided through Barnstable County Health or directly to the Eastham Health Department if not available.
7. Connection to Municipal Water System as available.

Ms. Lariviere seconded the motion.

Approved by roll call vote 5-0

VI. REVIEW

William Farrington of Farrington Building and Remodeling presented a plan to finish the unfinished second floor of an existing two bedroom dwelling. The proposed plan calls for an open railing on one side of the stairs and a 5' knee wall on the other side of the stairs. The septic system was designed in 1980 for three bedrooms. A discussion on if the finished space upstairs would meet the definition occurred.

Ms. Blong moved to approve the plans as submitted with the following conditions:

1. No increase in habitable square footage without Board of Health review.
2. Two Bedroom Deed restriction to be recorded on the deed.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

8. TEARNEY

220 HAY RD

M18 P291

Keith Fernandes of GFM Enterprises presented a plan to upgrade the existing septic system on a 32, 670 sq ft lot to accommodate an additional bedroom. The proposed plan includes a 1500 gallon septic tank with MicroFast treatment unit, H-20 Distribution box, and 33.5' x 12.83' x 2' soil absorption system.

Ms. Lariviere moved to approve the plan with following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
4. Deed restriction for 4 Bedroom use and use of alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
6. Require connection to municipal water.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

9. GREEN FAMILY REV TRUST 2019

25 YORK RD

M10 P120

Keith Fernandes of GFM Enterprises presented a plan for a septic system with I/A treatment on a 25,113 sq ft lot as part of construction for a new three bedroom home. The proposed septic system consists of a 1500 gallon septic tank with Mircofast 0.5 treatment unit, H-20 distribution box, and a 25' x 12.83' x 2' soil absorption system.

Dr. Buffington moved to approve the plan with following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
4. Deed restriction for 3 Bedroom use and use of alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
6. Well to be tested for routine and VOC parameters.

Ms. Lariviere seconded the motion.

Approved by roll call vote 5-0

10. COHEN

40 FERN RD

M7 P87

Margaret Cohen, owner of 40 Fern, presented a request to finish space above the garage on the 22, 651 sq. ft. lot. The existing septic system was installed in 2006 with capacity for 440 GPD capacity. The proposed project includes finishing with heat, air conditioning, and adding a bathroom. A discussion if the space met the definition of the bedroom occurred.

Dr. Buffington moved to approve finishing a space above the garage with the following conditions:

1. Take down wall in main house to eliminate a bedroom
2. Deed restriction for 4 Bedroom use to be recorded on deed.
3. Any increase in habitable square footage would require Board of Health.

Ms. Mondon seconded the motion.

Approved by roll call vote 5-0

11. SABEL

15 WHITNEY RD

M11 P324

David Lajoie of FELCO presented a plan to install a septic system for a new three bedroom dwelling on the 22, 178 sq ft lot. The proposed septic system would consist of a 1500 gallon septic tank with advantex AX20 treatment unit, pump chamber, distribution box, and a 30' x 10' x 2' soil absorption system.

A discussion on the proposed garage and need for plans if any finished space.

Dr. Lariviere moved to approve the plan with following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.

2. Secondary treatment and monitoring under general use approval condition per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base or directly to the Eastham Health Department if not available.
4. Deed restriction for 3 Bedroom use and use of alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance.
6. Requires connection to municipal water
7. Approved plans only for house plans as submitted. Plans for garage to be submitted if any finished area is included.

Ms. Blong seconded the motion.

Approved by roll call vote 5-0

VII. OTHER BUSINESS - VOTE MAY BE TAKEN

12. COVID-19

Cases are increasing. The website has been updated with the new cases. The total number of cases vary depending on the reporting system reporting. The State report does not include those that have tested positive using the antigen test, but consider those results probable positives. Additionally some contacts are not being tested, but develop symptoms, do not show as positives in the state reporting.

The COVID-19 emergency planning team, including the police chief, fire chief, health department, administration, and a representative from the Board of Selectman are meeting to evaluate requests. Special Thank you to Dr. Buffington for her assistance in reviewing requests.

13. GREEN BURIALS

The Selectboard will be having a meeting on green burials on 11/2/2020.

VIII. ADJOURNMENT

Ms. Mondon moved to adjourn
Dr. Buffington seconded the motion

Approved by roll call vote 5-0